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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,959	01/24/2001	Vern Cunningham	13582	2793

293 7590 07/30/2003

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EXAMINER

CHOI, JACOB Y

ART UNIT PAPER NUMBER

2875

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,959

Applicant(s)

CUNNINGHAM ET AL.

Examiner

Jacob Y Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 15, 22, 24, 25, 31-39 and 41-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43 and 44 is/are allowed.
- 6) ☒ Claim(s) 14, 15, 22, 24, 25, 31-39, 41, 42 and 45-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. The term "standard-form cover" in claim 22 is a relative term which renders the claim indefinite. The term "standard-form cover" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The meaning of the word "standard" does not stay true consistently and may change.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 14, 15, 22, 24, 25, 31, 32, 33, 34, 35, 36, 41, 42, 48, 49, 50, 51, 52, & 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (USPN 6,350,039).

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Regarding claim 14, Lee discloses a light (311) an electrical circuit (31) providing electrical energy to the light from a power source (column 2, lines 45-60), a rectangular frame (2) through which the electrical component is accessible (21), the frame housing the electrical circuit (figures 1, 3, & 4), the frame having sides with a depth sufficient to house the light (figure 4), and the frame having an aperture (321) in at least one of the sides allowing the light to illuminate a space outside the frame assembly through the aperture (figure 4), and a cover plate (11) separate from the frame and for covering the frame and for providing access to the component of the wall conduit.

Regarding claim 15, Lee discloses the component is an electrical switch.

Regarding claim 22, Lee discloses a rectangular frame through which the component is accessible, and a light, wherein the rectangular frame has sides that has sufficient depth to house the light, wherein at least one of the sides an aperture for allowing the light to illuminate outside the frame through the aperture, wherein access through the frame to the component is dimensioned to be covered by the *standard-form cover*.

Regarding claim 24, Lee discloses the component is an electrical outlet with an electrical connection, and the electrical connection is that part of the electrical outlet that requires access during use.

Regarding claim 25, Lee discloses the component is an electrical switch with an electrical actuator, and the electrical actuator is that part of the electrical switch that requires access during use.

Regarding claim 31, Lee discloses the spacer (121) extending from the frame for holding the component is a desired position relative to the cover (11).

Regarding claim 32, Lee discloses the substantially flat base plate extending inwardly from the rectangular frame, the component being accessible through frame while connected to the connection, and spacers extending from the base plate for holding the component with the base plate between the component and the conduit in a desired position relative to the cover.

Regarding claim 33, Lee discloses the spacers are hollow and the hollow is positioned such that fastening means (13) may be inserted through the component and the hollow.

Regarding claim 34, Lee discloses the rectangular frame is dimensioned to cover a wall conduit for an electrical box.

Regarding claim 35, Lee discloses the rectangular frame is dimensioned to cover a wall conduit for an electrical box.

Regarding claim 36, Lee discloses the frame further houses a power circuit for powering the one or more lights from the electrical connection.

Regarding claim 41, Lee discloses the light comprises a light emitting diode.

Regarding claim 42, Lee discloses the LED is attached to a printed circuit board and the LED extends into the side aperture.

Regarding claim 48, Lee discloses a rectangular frame through which the component is accessible, and a light, wherein the rectangular frame has a depth sufficient to house the light, wherein the frame has an aperture for allowing the light to

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illuminate outside the frame through the aperture, wherein the cover mounts on top of the frame, and the component mounts inside the frame to the assembly at the same depth as the cover mounts to the frame.

Regarding claim 49, Lee discloses a rectangular frame through which the component is accessible, spacer means inside the frame, and a light, wherein the rectangular frame has depth sufficient to house the light, wherein the frame has an aperture for allowing the light to illuminate outside the frame through the aperture, wherein the cover mounts on top of the frame, and the component mounts inside the frame to the assembly at the same depth as the cover mounts to the frame.

Regarding claim 50, Lee discloses a rectangular frame through which the component is accessible, spacer means inside the frame for holding the component in a desired position relative to the cover, and a light, wherein the rectangular frame has a depth sufficient to house the light, wherein the frame has an aperture for allowing the light to illuminate outside the frame through the aperture, and wherein the cover mounts on top of the frame.

Regarding claim 51, Lee discloses the claimed invention, explained above. In addition, Blackman et al. discloses the component is a wall outlet with electrical connections.

Regarding claim 52, Lee discloses the desired position places the connections *substantially* flush with a front surface of the cover.

Regarding claim 53, Lee discloses the component is an electrical switch.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 37, 38, 39, 45, 46, & 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (USPN 6,350,039) in view of Blackman et al. (USPN 6,010,228).

Regarding claim 37, Lee discloses the claimed invention except for the frame further houses a light sensor. Blackman et al. teaches that it is known to modify conventional light switch or plug receptacle with the frame further houses a light sensor (104), the frame having a sensor apertures through which the sensor senses ambient light external to the frame. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use modification in Lee, as taught by Blackman et al. in order to control the lights (LED) according utilizing known photo sensor.

Regarding claim 38, Lee in view of Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the frame further houses a power circuit that powers the lights when the sensor senses that ambient light external to the frame is low.

Regarding claim 39, Lee in view of Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses an additional light is

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housed within the frame and the frame has a corresponding aperture such that the additional light increase the ambient light received by the sensor.

Regarding claim 45, Lee in view of Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the sensor aperture is in a sensor side of the rectangular frame frontal side of the rectangular frame having the light (figure 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the photo sensor to the position that is away from the light source, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claim 46, Lee in view of Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the isolation means between the power circuit and the component in the event of power circuit failure (86).

Regarding claim 47, Lee in view of Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the frame houses a routing channel for wires connecting the power circuit and the lighting circuit such that the wires are physically separated from the component.

7. Claims 48, 49, 50, 51, 52, & 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackman et al. (USPN 6,010,228).

Regarding claim 48, Blackman et al. discloses a rectangular frame through which the component is accessible, and a light, wherein the rectangular frame has a depth sufficient to house the light, wherein the frame has an aperture for allowing the light to

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illuminate outside the frame through the aperture, wherein the cover (24) being on top of the frame (28, 26, 30, 34), and the component mounts inside the frame to the assembly at the same depth as the cover. Blackman et al. discloses the claimed invention except for a cover plate separate from the frame. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the housing (20) member of Blackman et al. with separate frame (28, 26, 30, 34) member and cover (24) member, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 49, Blackman et al. discloses a rectangular frame through which the component is accessible, spacer means inside the frame, and a light, wherein the rectangular frame has a depth sufficient to house the light, wherein the frame (28, 26, 30, 34) has an aperture for allowing the light to illuminate outside the frame through the aperture, wherein the cover being on top of the frame, and the spacer means (38, 34, 126a, 126b figure 3) are flush with the frame where the cover mounts, and wherein the component mounts on top of the spacer means. Blackman et al. discloses the claimed invention except for a cover plate separate from the frame. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the housing (20) member of Blackman et al. with separate frame (28, 26, 30, 34) member and cover (24) member, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

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Regarding claim 50, Blackman et al. discloses a rectangular frame through which the component is accessible, spacer means (38, 34, 126a, 126b figure 3) inside the frame for holding the component in a desired position relative a light, wherein the rectangular frame (28, 26, 30, 34) has a depth sufficient to house the light, wherein the frame has an aperture for allowing the light to illuminate outside the frame through the aperture, and wherein the cover being on top of the frame. Blackman et al. discloses the claimed invention except for a cover plate separate from the frame. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the housing (20) member of Blackman et al. with separate frame (28, 26, 30, 34) member and cover (24) member, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 51, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the component is a wall outlet with electrical connections.

Regarding claim 52, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the desired position places the connections *substantially* flush with a front surface of the cover.

Regarding claim 53, Blackman et al. discloses the claimed invention, explained above. In addition, Blackman et al. discloses the component is an electrical switch.

Allowable Subject Matter

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8. The following is a statement of reasons for the indication of allowable subject matter: the claims recite a rectangular frame through which the component is accessible, and a light, wherein the rectangular frame has a side that has sufficient depth to house the light, and wherein the side has an aperture for allowing the light to illuminate outside the frame through the aperture, and wherein the light comprising a light emitting diode (LED), and wherein the LED is a plurality of LEDs and the side aperture is a series of side apertures, one aperture for each LED, and each LED extends into its respective side aperture. Because none of the references cited disclose the detailed structural limitations of one aperture for each LED & and each LED extends into its respective side aperture, nor is there any motivation to combine them, the claims are deemed patentable over the prior art of record. Claims 43, & 44 allowed.

Response to Amendment

9. Examiner acknowledges that the applicant has amended claims 14 & 22.

Response to Arguments

10. Applicant's arguments with respect to claims 14, 15, 22, 24-25, 31-39, & 41-53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

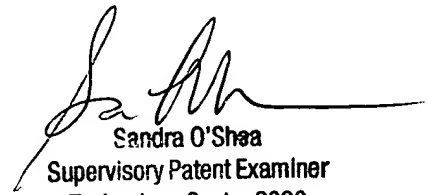
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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y Choi whose telephone number is (703) 308-4792. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7724.

JC
July 21, 2003



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800